

SENATE AMENDMENTS TO SENATE BILL 683

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

May 16

1 On page 1 of the printed bill, line 2, delete “section 4” and insert “sections 4 and 8”.

2 Delete lines 5 through 32 and delete page 2 and insert:

3 “**SECTION 1.** Section 4, chapter 1059, Oregon Laws 1999, as amended by section 1, chapter 743,
4 Oregon Laws 2005, is amended to read:

5 “**Sec. 4.** The State Department of Agriculture shall establish and implement a pesticide use re-
6 porting system to meet the need described in section 3, chapter 1059, Oregon Laws 1999. In estab-
7 lishing and implementing the system, the department shall:

8 “(1) Design, develop and implement the system in order to collect, evaluate, summarize, retain
9 and report information on the use of pesticides in each major category of use in Oregon, including
10 agriculture, forestry, industrial, urban commercial and urban homeowner uses.

11 “(2) At least one time each year, collect the best data practicable from each major category of
12 pesticide use in a manner that reduces paperwork and reporting costs.

13 “(3)(a) Require all pesticide users to report basic information on their use of pesticides that
14 includes:

15 “[*a*] (A) The location of use. For pesticide use within an urban area, as defined by the de-
16 partment by rule, the pesticide user shall report the location of use by identifying the five-digit zip
17 code for the location. For pesticide use that is not within an urban area, the pesticide user shall
18 report the location of use by identifying the [*third-level*] **fourth-level** hydrologic unit for the lo-
19 cation. As used in this paragraph, [*third-level*] ‘**fourth-level** hydrologic unit’ means the [*basin re-*
20 *porting*] **cataloging unit** level of the 12-digit hydrologic unit mapping system developed by the
21 Federal Geographic Data Committee.

22 “[*b*] (B) The name and United States Environmental Protection Agency registration number for
23 the pesticide product used.

24 “[*c*] (C) The quantity of pesticide product applied.

25 “[*d*] (D) The purpose of and type of site of the application.

26 “[*e*] (E) The month of the application.

27 “[*f*] (F) Subject to section 8, chapter 1059, Oregon Laws 1999, other data gathered by pesticide
28 applicators that the department considers necessary to achieve the purposes of section 3, chapter
29 1059, Oregon Laws 1999.

30 “(b) **Notwithstanding paragraph (a) of this subsection, require reporting of pesticide use**
31 **by or on behalf of governmental bodies by exact address or, if an exact address is not avail-**
32 **able, by the township, range, section and quarter-section of the application location. This**
33 **paragraph does not apply to an application of pesticides to government property rented or**
34 **leased to a private party.**

35 “(4) Develop a mechanism to ensure the accuracy, reliability and validity of the database by

1 providing for an independent review of the pesticide use data and collection procedures by data
2 quality assurance specialists.

3 “(5) Develop a specific mechanism to identify household and other urban uses of pesticides. If
4 this mechanism involves sales reporting by retail pesticide dealers, the department shall develop a
5 minimum monthly sales quantity below which the retail pesticide dealer is exempt from reporting.

6 “**SECTION 2.** Section 8, chapter 1059, Oregon Laws 1999, as amended by section 2, chapter 915,
7 Oregon Laws 2001, and section 2, chapter 743, Oregon Laws 2005, is amended to read:

8 “**Sec. 8.** (1) In implementing the pesticide use reporting system, the State Department of Agri-
9 culture shall, at a minimum:

10 “(a) Publish an annual report summarizing the pesticide use data reported to the department
11 under section 4, chapter 1059, Oregon Laws 1999. The report shall include:

12 “(A) An analysis of trends in pesticide use;

13 “(B) An assessment of pesticide use reporting data accuracy; and

14 “(C) Pesticide use information summarized by [*zip code or hydrologic unit*] **location** as described
15 in section 4 [(3)(a)], chapter 1059, Oregon Laws 1999.

16 “(b) Establish policy and adopt rules relating to the public release of data about pesticide sales
17 or use consistent with the limitations provided in this section.

18 “(2)(a) Data about pesticide use obtained under sections 2 to 9, chapter 1059, Oregon Laws 1999,
19 are confidential if the data would reveal the identity of the owner or lessee or the specific location
20 of property where a person has applied a pesticide:

21 “(A) For a private agricultural or forestry operation; or

22 “(B) On private property or public property leased to a private person.

23 “(b) Data about pesticide sales obtained under sections 2 to 9, chapter 1059, Oregon Laws 1999,
24 are confidential if the data would reveal a trade secret, as defined in ORS 646.461, of the retail
25 outlet, multiple-outlet retailer or associated group of retailers that reports the data.

26 “(c) **Except as provided in section 4 (3)(b), chapter 1059, Oregon Laws 1999,** the department
27 may not collect pesticide use data under section 4, chapter 1059, Oregon Laws 1999, that would re-
28 veal the identity of the owner or lessee or the specific location of property where a person has ap-
29 plied a pesticide.

30 “(3) The policy and rules that the department adopts under this section may not limit access to
31 data for the following purposes:

32 “(a) Information obtained as part of any investigation under any other provision of law;

33 “(b) To release information obtained exclusively under sections 2 to 9, chapter 1059, Oregon
34 Laws 1999, to any other local, state or federal agency, if the local, state or federal agency has
35 agreed to maintain the confidentiality of any information that is required to be treated as confi-
36 dential under this section, unless the public interest by clear and convincing evidence requires dis-
37 closure in the particular instance; and

38 “(c) To release information obtained exclusively under sections 2 to 9, chapter 1059, Oregon
39 Laws 1999, to a health or environmental researcher acting in an official capacity from an accredited
40 university or accepted research institute who agrees to maintain the confidentiality of any infor-
41 mation that is required to be treated as confidential under this section.

42 “**SECTION 3. The amendments to sections 4 and 8, chapter 1059, Oregon Laws 1999, by**
43 **sections 1 and 2 of this 2007 Act apply to reporting information for pesticide use that occurs**
44 **on or after January 1, 2008.”.**